

May 19, 2017

REGULAR MEETING MINUTES
ILLINOIS CIVIL SERVICE COMMISSION
May 19, 2017

I. CALL TO ORDER THE REGULAR OPEN MEETING AT 11:00 A.M. AT 160 N. LASALLE ST., SUITE S-901, CHICAGO, IL AND 607 E. ADAMS ST., SUITE 801, SPRINGFIELD, IL BY INTERACTIVE VIDEO CONFERENCE

II. PRESENT

Chairman Timothy D. Sickmeyer; David Luechtefeld, and Casey Urlacher, Commissioners; Daniel Stralka, Executive Director; Andrew Barris, Assistant Executive Director and Jane Ryan, Exemption Monitor; Roneta Taylor, and Michael Hoffman, Illinois Department of Central Management Services; James Jozefowicz, Illinois Department of Children and Family Services; and Melissa Schaefer and Melissa Brandenburg, Office of the Executive Inspector General. Commissioner G.A. Finch was not present.

III. APPROVAL OF MINUTES OF REGULAR OPEN MEETING HELD APRIL 20, 2017

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER LUECHTEFELD, AND THE MOTION ADOPTED 3-0, TO APPROVE THE MINUTES OF THE REGULAR OPEN MEETING HELD APRIL 20, 2017.

IV. PUBLIC COMMENT IN ACCORDANCE WITH THE OPEN MEETINGS ACT

At this time, in accordance with the Open Meetings Act and the Rules of the Civil Service Commission, Executive Director Daniel Stralka offered an opportunity for any person to address members of the Commission. Hearing no response, the meeting proceeded to the next agenda item.

V. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE

A. Report on Exempt Positions from Department of Central Management Services

<u>Agency</u>	<u>Total Employees</u>	<u>Number of Exempt Positions</u>
Aging.....	142.....	20
Agriculture	300.....	19
Arts Council	9.....	2
Capitol Development Board.....	42.....	0
Central Management Services.....	1,298.....	94
Children and Family Services.....	2,551.....	54
Civil Service Commission.....	4.....	0
Commerce & Economic Opportunity.....	292.....	71
Commerce Commission	56.....	0
Corrections	11,958.....	109
Criminal Justice Authority.....	54.....	7
Deaf and Hard of Hearing Comm.....	5.....	1
Developmental Disabilities Council.....	7.....	1
Emergency Management Agency.....	64.....	8
Employment Security	1,050.....	31
Environmental Protection Agency.....	641.....	18
Financial & Professional Regulation.....	399.....	49
Gaming Board	165.....	6
Guardianship and Advocacy	95.....	8
Healthcare and Family Services	1,854.....	27
Historic Preservation Agency.....	125.....	17
Human Rights Commission.....	14.....	2
Human Rights Department	125.....	10
Human Services.....	12,498.....	82
Illinois Torture Inquiry Relief Commission	3.....	1
Independent Tax Tribunal	1.....	0
Innovation and Technology	42.....	20
Insurance	222.....	17
Investment Board	3.....	2
Juvenile Justice.....	956.....	28
Labor.....	77.....	12
Labor Relations Board Educational.....	7.....	3
Labor Relations Board State.....	13.....	2
Law Enforcement Training & Standards Bd.	21.....	3
Lottery	142.....	8
Military Affairs.....	118.....	3
Natural Resources.....	1,036.....	32
Pollution Control Board	18.....	2
Prisoner Review Board.....	21.....	1
Property Tax Appeal Board.....	30.....	1
Public Health	1,057.....	42
Racing Board.....	2.....	1
Revenue.....	1,415.....	48
State Fire Marshal	118.....	12
State Police.....	963.....	10
State Police Merit Board	6.....	2
State Retirement Systems	101.....	3
Transportation	2,106.....	0
Veterans' Affairs	1,247.....	11
Workers' Compensation Commission.....	118.....	12
TOTALS.....	43,591.....	912

B. Governing Rule – Section 1.142 Jurisdiction B Exemptions

- a) The Civil Service Commission shall exercise its judgment when determining whether a position qualifies for exemption from Jurisdiction B under Section 4d(3) of the Personnel Code. The Commission will consider any or all of the following factors inherent in the position and any other factors deemed relevant to the request for exemption:
 - 1) The amount and scope of principal policy making authority;
 - 2) The amount and scope of principal policy administering authority;
 - 3) The amount of independent authority to represent the agency, board or commission to individuals, legislators, organizations or other agencies relative to programmatic responsibilities;
 - 4) The capability to bind the agency, board or commission to a course of action;
 - 5) The nature of the program for which the position has principal policy responsibility;
 - 6) The placement of the position on the organizational chart of the agency, board or commission;
 - 7) The mission, size and geographical scope of the organizational entity or program within the agency, board or commission to which the position is allocated or detailed.
- b) The Commission may, upon its own action after 30 days notice to the Director of Central Management Services or upon the recommendation of the Director of the Department of Central Management Services, rescind the exemption of any position that no longer meets the requirements for exemption set forth in subsection (a). However, rescission of an exemption shall be approved after the Commission has determined that an adequate level of managerial control exists in exempt status that will insure responsive and accountable administrative control of the programs of the agency, board or commission.
- c) For all positions currently exempt by action of the Commission, the Director of Central Management Services shall inform the Commission promptly in writing of all changes in essential functions, reporting structure, working title, work location, position title, position number or specialized knowledge, skills, abilities, licensure or certification.
- d) Prior to granting an exemption from Jurisdiction B under Section 4d(3) of the Personnel Code, the Commission will notify the incumbent of the position, if any, of its proposed action. The incumbent may appear at the Commission meeting at which action is to be taken and present objections to the exemption request.

(Source: Amended at 34 Ill. Reg. 3485, effective March 3, 2010)

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C. No 4d(3) exemption requests submitted

D. Proposed rescissions in accordance with Section 1.142(b) of the Rules of the Civil Service Commission

Exemption Monitor, Jane Ryan, reported that the details regarding these proposed rescissions were included in the agenda. It was Staff's position that an adequate level of managerial control would exist in exempt status for all of these proposed rescissions.

- Item D1 is the Regional Client Manager 7 for the Bureau of Property Management (BOPM) in Central Management Services (CMS). Region 7 encompasses the far southern counties of the State. On March 1, 2016, the position was relocated from Sangamon County to Champaign County. The northernmost counties covered by this position are Clinton, Marion, Richland, Lawrence, and St. Clair so Staff sent an inquiry to CMS asking for an explanation for the county change. When no response was forthcoming, the position was noticed up for proposed rescission even though it had an incumbent. It was continued in May 2016, then August and November to allow CMS an opportunity to respond to Staff concerns. CMS questioned whether this inquiry is appropriate since the home county is not related to the duties and responsibilities that support its continued exemption. Commission Staff believes there is no limitation on its responsibility to initiate an inquiry into the continued eligibility for exemption of any position. On May 15, 2017, CMS indicated this position was moved to Champaign to accommodate the selected candidate. While most Transaction Manager positions are located in either Sangamon or Cook County rather than the counties they serve, there does not appear to be any modification to the programmatic responsibilities qualifying for exemption. Therefore, Staff recommended denial of this proposed rescission.
- Items D2-5 are Transactions Manager positions that were also noticed up for proposed rescission in May 2016 because they were all vacant and Staff had concerns that there was overlap with the seven exempt Regional Client Manager positions. Like Item D1, these four Transactions positions were also continued since that time to allow CMS time to respond. There was a meeting with the Director of CMS in August 2016 who indicated to Staff CMS would be preparing a response. The only written response until recently consisted of clarifications to the job descriptions of the seven Regional Client Manager positions. It appears this is what CMS believed the Commission was seeking. A meeting in April 2017 with Director Hoffman, Chairman Sickmeyer and Staff allowed discussion that CSC Staff was taking a much broader review of the exempt positions in this program area. This is in accordance with the Commission's May 2016 directive to review the Bureau of Property Management's exempt structure and report back to the Commission. CMS responded on May 15, 2017 that the Transactions Managers handle the actual leases and the Client Managers handle the operational aspects of the buildings. The Client Managers perform walk-throughs, direct contractors, etc. There continues to be verbiage in the position descriptions regarding transactions in both the Transactions Manager positions and the Client Manager positions. The CMS response did not specifically address the possible overlap.

In the interim, a new Deputy Director for the Bureau of Property Management has been appointed. There was consensus at the April meeting that Staff recommend denying these proposed rescissions while the new Deputy Director has the opportunity to evaluate the organizational structure. Staff will follow up with CMS in the next 90-120 days after which it will report its findings and recommendations back to the Commission. It was also noted that CMS has since filled two of the four vacant Transactions positions.

- Item D6 was originally placed on the agenda in November 2016 based on a significant change to the CMS 104 position description from the one submitted in connection with approval of its 4d(3) exemption. This exemption request was originally submitted by CMS in 2011 and granted in order to address a number of recommendations made by the Auditor General on fleet management. This position was to oversee the implementation of new programs and improved management practices in that regard. It apparently completed these by 2013 at which time a clarified position description was submitted removing fleet management responsibilities and substituting policy advisor responsibilities in the program areas of BOPM, Agency Services and the Bureau of Communication & Computer Services (BCCS). Due to a significant change in responsibilities, this position should have been submitted for reconsideration of its exempt status at that time. That would have been in conformance with the Auditor General's recommendation to the Commission in 2010 that they should work with CMS to ensure exempt positions are being used as presented at the time an exemption request is approved. It must also be noted that Staff will renew its efforts to identify clarified positions that have extensive changes substantially different than the responsibilities as presented at the time the exemption was granted. When such positions are identified, they will be brought back before the Commission to consider if continued exemption is warranted.

This position clearly has been changed to an extent requiring additional review by the Commission. However, Staff has reviewed the new responsibilities and finds that the position performs duties including "...determines policy to control Agency Services, Bureau of Communication & Computer Services and Bureau of Property Management...Develops policy and recommends solutions as a result of audit findings or changes mandated by legislation, rules and regulations, state and federal laws, and/or the Director. Acts Authoritatively on policy making issues...Serves as the Assistant Director for the Department in the absence of the Assistant Director...directs and controls implementation of program policy..." While BCCS is to be phased out and merged into the Department of Innovation & Technology (DoIT), the position still appears to qualify for exemption. Therefore, Staff recommended denial of this proposed rescission.

- Item D7 was first placed on the November 2016 agenda due to the formation of DoIT and the need to review overlapping functions. CMS requested this be continued to February 2017 and, in February 2017, the Commission further continued discussion to the May 2017 agenda. CMS indicated the duties are accurate but did not address the potential duplication of duties. However, Staff has overall concerns about overlapping functions with the creation of DoIT. This position indicated principal policy authority over the Information Management Division of the Bureau of Strategic

Sourcing. In discussions regarding the creation of DoIT (see Minutes and addendum from May 20, 2016), Commission Staff indicated a need to address overlapping functions with assurances given that DoIT would absorb these positions or take other appropriate action. Based on those representations, it is Staff's position that there should not be any Chief Information Officers (CIO) or comparable positions outside of those in DoIT. Staff believes reviewing this position and other similar positions in November 2017 is advisable. This will allow sufficient time for legislative transfers to occur and full operations of DoIT be in place. At that time, Staff will conduct a thorough review of multiple agency positions impacted by DoIT. Staff recommended denial of this proposed rescission at this time. This is due to the Commission's practice of not continuing items through to the next fiscal year. Annual report numbers are skewed if not addressed in the same fiscal year.

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER LUECHTEFELD, AND THE MOTION ADOPTED 3-0 TO DENY THE RESCISSION OF 4d(3) EXEMPTION FOR THE FOLLOWING POSITIONS:

- D1. Region 7 Property Manager (CMS)**
- D2. Property Manager-Transactions-Central and South Regions (CMS)**
- D3. Property Management, Transactions & Property Administration (CMS)**
- D4. Property Management, Transactions-Chicago and North Regions (CMS)**
- D5. Property Management, Transactions and Property Administration
Real Property (CMS)**
- D6. Policy Advisor-Agency Services BCCS/BOPM (CMS)**
- D7. BOSS, Chief Information Officer (CMS)**

Exemption Monitor, Jane Ryan, reported that:

- Item D8 was placed on the agenda after seeking updated information to the position description dated April 5, 1993. The Department of Employment Security does not object to rescission of this position's exemption. Therefore, Staff recommended approval of this proposed rescission.
- Item D9 was placed on the agenda due to an extended vacancy. The Gaming Board has historically utilized this position and another for a sworn officer depending upon the appointee's status of sworn or non-sworn. The Gaming Board does not object to the rescission of this position's exemption. Therefore, Staff recommended approval of this proposed rescission.
- Item D10 was placed on the agenda due to an extended vacancy. The position is the Manager of Chicago Operations for the Department of Natural Resources (DNR) which has been vacant since January 2015. DNR has seven 4d(3) exempt positions in Cook County. The original exemption was granted for functions involving agency operations in Northeastern Illinois in June 2003 and no changes have been made to the position since the original exemption. The anticipated sale of the Thompson Center will impact the location of this position. DNR indicated they will be making significant changes to the position description and will seek reinstatement of the

exemption if they believe it qualifies once they have finalized those revisions and have a more certain time frame and location. Therefore, Staff recommended approval of this proposed rescission.

- Item D11 was placed on the agenda due to an extended vacancy. The Regional Health Officer in Peoria County has been vacant since 2015 according to the Department of Public Health. The agency has no objection to rescission of this exemption. Therefore, Staff recommended approval of this proposed rescission.

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER LUECHTEFELD, AND THE MOTION ADOPTED 3-0 TO RESCIND THE 4d(3) EXEMPTION OF THE FOLLOWING POSITIONS:

- D8. Human Resources (DES)**
- D9. Policy Advisor, Investigations & Legislation (Gaming)**
- D10. Manager, Chicago Operations (DNR)**
- D11. Regional Health Officer, Peoria (DPH)**

The following proposed 4d(3) exemption rescissions were denied on May 19, 2017:

Item	Position Number	Agency	Functional Title
D1	40070-37-60-010-07-01	CMS	Regional Client Manager 7
D2	40070-37-62-300-00-01	CMS	Property Manager, Transactions – Central and South
D3	40070-37-62-000-00-01	CMS	Property Management, Transactions & Property Administration
D4	40070-37-62-200-00-01	CMS	Property Mgmt., Transactions, Chicago & North Regions
D5	40070-37-62-400-00-01	CMS	Property Mgmt., Transactions & Property Administration, Real Property
D6	40070-37-00-020-00-01	CMS	Policy Advisor (Agency Services/BCCS/BOPM)
D7	40070-37-41-100-00-01	CMS	BOSS, Chief Information Officer

The following 4d(3) exemptions were rescinded on May 19, 2017:

Item	Position Number	Agency	Functional Title
D8	37015-44-00-000-11-03	DES	Human Resources
D9	40070-50-69-000-20-01	Gaming	Policy Advisor, Investigations & Legislation
D10	37015-12-00-000-40-01	DNR	Manager, Chicago Operations
D11	40070-20-06-202-00-21	DPH	Regional Health Officer, Peoria

VI. CLASS SPECIFICATIONS

A. Governing Rule – Section 1.45 Classification Plan

The Commission will review the class specifications requiring Commission approval under the Classification Plan and will approve those that meet the requirements of the Personnel Code and Personnel Rules and conform to the following accepted principles of position classification:

- a) The specifications are descriptive of the work being done or that will be done;
- b) Identifiable differentials are set forth among classes that are sufficiently significant to permit the assignment of individual positions to the appropriate class;
- c) Reasonable career promotional opportunities are provided;
- d) The specifications provide a reasonable and valid basis for selection screening by merit examinations;
- e) All requirements of the positions are consistent with classes similar in difficulty, complexity and nature of work.

B. None submitted

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER LUECHTEFELD, AND THE MOTION ADOPTED 3-0 TO DISAPPROVE ANY CLASS SPECIFICATIONS RECEIVED BY THE COMMISSION STAFF NOT CONTAINED IN THIS AGENDA TO ALLOW ADEQUATE STUDY.

VII. PERSONNEL RULES

A. Civil Service Commission Governing Rule – Section 1.310 Personnel Rules

The Commission has power to disapprove new rules or amendments to existing rules submitted by the Director of Central Management Services. Such proposed new rules or amendments of existing rules submitted to the Commission shall be accompanied by a report of proceedings attending the prior public hearing required by law with respect to them. If the Commission does not disapprove new rules or any amendment to existing rules within 30 days following the receipt from the Director of Central Management Services, the new rules or amendments have the force and effect of law after filing by the Director with the Secretary of State.

B. None submitted

May 19, 2017

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER LUECHTEFELD, AND THE MOTION ADOPTED 3-0 TO DISAPPROVE ANY AMENDMENTS TO PERSONNEL RULES RECEIVED BY THE COMMISSION STAFF BUT NOT CONTAINED IN THIS AGENDA TO ALLOW ADEQUATE STUDY.

VIII. MOTION TO CLOSE A PORTION OF THE MEETING

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER LUECHTEFELD, AND BY ROLL CALL VOTE THE MOTION ADOPTED 3-0 TO CLOSE A PORTION OF THE MEETING PURSUANT TO SUBSECTIONS 2(c)(1), 2(c)(4), AND 2(c)(11) OF THE OPEN MEETINGS ACT.

SICKMEYER	YES	FINCH	
LUECHTEFELD	YES	URLACHER	YES

May 19, 2017

IX. RECONVENE THE OPEN MEETING

Upon due and proper notice, the regular open meeting of the Illinois Civil Service Commission was reconvened at 160 N. LaSalle St., Suite S-901, Chicago, IL and 607 E. Adams St., Suite 801, Springfield, IL by interactive video conference at 11:42 a.m.

PRESENT

Chairman Timothy D. Sickmeyer; David Luechtefeld and Casey Urlacher, Commissioners; Daniel Stralka, Executive Director; Andrew Barris, Assistant Executive Director and Jane Ryan, Exemption Monitor; and James Jozefowicz, Illinois Department of Children and Family Services.

X. NON-MERIT APPOINTMENT REPORT

Set forth below is the number of consecutive non-merit appointments made by each agency as reported by Central Management Services. Executive Director Stralka noted that Staff recently spoke with our agency contact at the Department of Innovation and Technology to identify someone who can assist in breaking this report down so the Commission can be assured it is providing accurate information. There has yet to be a response.

Agency	3/31/17	4/30/17	4/30/16
Agriculture	0	1	1
Central Management Services	0	3	6
Children and Family Services	0	1	1
Commerce and Economic Opportunity	0	1	0
Emergency Management Agency	0	0	1
Employment Security	0	0	3
Financial and Professional Regulation	0	1	1
Guardianship and Advocacy	0	1	0
Healthcare and Family Services	0	6	6
Historic Preservation Agency	0	0	1
Human Services	1	14	17
Insurance	0	0	1
Juvenile Justice	0	1	0
Natural Resources	2	9	18
Property Tax Appeal Board	0	1	0
Revenue	0	1	0
State Fire Marshal	0	2	0
State Police	0	1	1
State Retirement Systems	0	0	6
Transportation	18	0	1
Veterans' Affairs	0	2	0
Workers' Compensation Commission	0	0	1
Totals	21	45	65

XI. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEALS

DA-17-17

Employee	Diana Rapaport	Appeal Date	10/07/16
Agency	Children & Family Services	Decision Date	05/05/17
Appeal Type	Discharge	Proposal for Decision	60-day suspension plus duration of suspension pending discharge.
ALJ	Andrew Barris		

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER LUECHTEFELD, AND BY ROLL CALL VOTE OF 3-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE PROPOSAL FOR DECISION OF THE ADMINISTRATIVE LAW JUDGE THAT THE PARTIALLY PROVEN CHARGES WARRANT A 60-DAY SUSPENSION PLUS DURATION OF THE SUSPENSION PENDING DISCHARGE FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION DATED MAY 5, 2017.

**SICKMEYER YES FINCH
LUECHTEFELD YES URLACHER YES**

DA-28-17

Employee	Michael K. Whitmore	Appeal Date	12/21/16
Agency	Human Services	Decision Date	05/04/17
Appeal Type	Discharge	Proposal for Decision	Discharge upheld.
ALJ	Andrew Barris		

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER LUECHTEFELD, AND BY ROLL CALL VOTE OF 3-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE PROPOSAL FOR DECISION OF THE ADMINISTRATIVE LAW JUDGE TO UPHOLD THE DISCHARGE FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION DATED MAY 4, 2017.

**SICKMEYER YES FINCH
LUECHTEFELD YES URLACHER YES**

XII. STAFF REPORT

Executive Director Daniel Stralka reported:

- Commissioner Urlacher and Chairman Sickmeyer were both recently reappointed to new terms expiring March 1, 2023.

May 19, 2017

- He and Chairman Sickmeyer appeared before the Senate Appropriation II Committee on May 18, 2017. There were questions about Commission meetings, our oversight role and personal service contracts from several Senators before the presentation concluded.
- He made a presentation before the Labor Employment and Advisory Division on May 15, 2017. There was a question and answer period afterwards.
- He updated the Commissioners on the status of the Illinois Department of Transportation Shakman proceedings that grew out of the investigation of the use of Staff Assistants. The Federal Court has agreed to expand the Special Master's authority to all State hiring. The court entered an Order on May 1, 2017 requiring the Governor's Office to prepare an "Exempt List" of State employees including those under Sections 4c(6), 4d(1), 4d(2) and 4d(3) of the Personnel Code. Staff continues to monitor these proceedings to ascertain their impact on Commission activities.
- Former Commissioner Anita Cummings was recognized for her years of service with the Civil Service Commission. By unanimous consent Staff was directed to prepare a formal certificate acknowledging her contributions.

Chairman Sickmeyer spoke about the meeting with the Director of CMS and his staff that occurred on April 26, 2017. The two main topics discussed were issues in disciplinary appeals and the proposed rescission process. The Chairman noted how there were perceived inconsistencies in levels of discipline imposed by agencies at times which CMS was somewhat in agreement with. After discussion there was also an agreement to make the proposed rescission process less formal between the Commission and CMS. Chairman Sickmeyer noted that CMS acknowledged it failed to make a timely response to some of the proposed rescissions that were on this month's agenda. Chairman Sickmeyer concluded by stressing the benefit to the operations of both the Commission and the agency of continuing this ongoing regular dialogue.

XIII. ANNOUNCEMENT OF NEXT MEETING

Announcement was made of the next regular open meeting to be held Friday, June 16, 2017 at 11:00 a.m.

XIV. MOTION TO ADJOURN

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER LUECHTEFELD, AND THE MOTION ADOPTED 3-0 TO ADJOURN THE MEETING AT 11:51 A.M.